HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 2312 of 2007

Petitioner Ramlal Martand, S/o Banwali Martand, aged about 44 years, presently working as Asst. Village Panchayat Officer, Village Panchayat-Godhi, Janpad Panchayat Korba, Distt. Korba (C.G.)

Versus

Respondents

1. State of Chhattisgarh, through the Secretary, Department of Panchayat and Rural Development, Dau Kalyan Singh Bhawan, Raipur (C.G.)
2. The Commissioner, Panchayat and Social Welfare Dau Kalyan Singh Bhawan, Raipur (C.G.)
3. The Chief Executive Officer, Zila Panchayat - Korba, Distt. Korba (C.G.)
4. The Dy. Director, Panchayat and Social Welfare, Korba (C.G.)
5. The Chief Executive Officer, Janpad Panchayat - Korba, Distt. Korba (C.G.)
6. Dube Chandra Daharia, Member, Janpad Panchayat - Korba, Distt. Korba (C.G.)

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Present: Mr. Ratnesh Agrawal, Advocate for the petitioner.
Mr. Ajay Dwivedi, Panel Lawyer for the State/respondents No. 1, 2 and 4.

O R D E R

(Passed on 13th Day of April, 2007)

1. The petitioner working as Assistant Village Panchayat Officer at Village Panchayat Godhi, Janpad Panchayat Korba, District Korba was placed under suspension vide order dated 5.12.2006 (Annexure P-1) in contemplation of departmental enquiry. The charge sheet with imputation of charges, list of

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documents and list of witnesses was issued on 17.1.2007 (Annexure P-7) within a period of 45 days.

2. The petitioner, by this petition impugns the suspension order on the ground that the petitioner has not received the charge sheet within 45 days. The contention of the petitioner is that if the charge sheet is not received within 45 days, the suspension order stands automatically revoked. This contention noticed to be rejected as sub-rule (2-a) of Rule 9 of the Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966 clearly provides that article of charge is proposed to be sustained shall be issued or caused to be issued by the disciplinary authority to such Government servant as required by sub-rule (4) of Rule 14, within a period of 45 days from the date of order of suspension.

3. Admittedly, in the present case, the charge sheet was issued within 45 days from 5.12.2006 on 17.1.2007. With regard to the second submission that the respondent No. 4/authority be directed to make payment of subsistence allowance as per rules. The petitioner is otherwise entitled to payment of subsistence allowance in accordance with law.

5. This petition has no merit in the case, thus the petition is disposed of with above observation. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash